

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WILUS INSTITUTE OF STANDARDS
AND TECHNOLOGY INC.,

Plaintiff,

v.

HP INC.,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 2:25-CV-00069-JRG-RSP
(LEAD CASE)

WILUS INSTITUTE OF STANDARDS
AND TECHNOLOGY INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.
and SAMSUNG ELECTRONICS
AMERICA, INC.,

Defendants.

§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 2:25-CV-00070-JRG-RSP
(MEMBER CASE)


ORDER

Before the Court is the Motion to Dismiss Samsung Amended Counterclaims 1–2 (the “Motion to Dismiss”) filed by Plaintiff Wilus Institute of Standards and Technology Inc. (“Plaintiff”). (Dkt. No. 42.) In the Motion to Dismiss, Plaintiff seeks to dismiss Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.’s (collectively, “Samsung”) Counterclaims 1 and 2 in Samsung’s Answer (Dkt. No. 34). (Dkt. No. 42 at 1.) Since the filing of the Motion to Dismiss, Samsung has filed an Amended Answer. (Dkt. No. 48.)

It is well established that a later-filed amended pleading moots a Rule 12 motion challenging an earlier-filed pleading. *See Griffin v. Am. Zurich Ins. Co.*, 697 F. App'x 793, 797 (5th Cir. 2017) (“Once filed, that amended complaint rendered all earlier motions . . . moot.”); *see also Bishop Display Tech LLC v. Samsung Elecs. Co., Ltd.*, No. 2:21-cv-00139-JRG, Dkt. No. 40 (E.D. Tex. Oct. 4, 2021) (“Once Plaintiff filed its amended complaint, the Motion became moot.”); *Ultravision Technologies, LLC v. Eaton Corp. PLC*, 2019 WL 11250161, at *1 (E.D. Tex. Nov. 7, 2019) (“Accordingly, the filing of an amended complaint moots a motion to dismiss the original complaint.”).

Accordingly, the Court finds that the Motion to Dismiss (Dkt. No. 42), which is based upon Samsung’s Original Answer, should be and hereby is **DENIED AS MOOT**.

So ORDERED and SIGNED this 25th day of June, 2025.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE